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**VILLAGE OF ESTERO, FLORIDA**

**ORDINANCE NO. 2016 - 11**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF  
THE VILLAGE OF ESTERO, FLORIDA,  
PROVIDING FOR AND APPROVING THE  
AUTHORITY OF THE MAYOR TO EXECUTE AN  
INTERLOCAL AGREEMENT WITH LEE COUNTY  
FOR THE CONTINUATION OF THE UNIVERSITY  
LANDSCAPING OPERATION AND MAINTENANCE  
SPECIAL IMPROVEMENT UNIT TO PROVIDE AN  
ENHANCED LEVEL OF LANDSCAPING ALONG  
CERTAIN PORTIONS OF CORKSCREW ROAD,  
ESTERO PARKWAY AND BEN HILL GRIFFIN  
PARKWAY WITHIN THE VILLAGE LIMITS;  
PROVIDING FOR A TERM AND AN EFFECTIVE  
DATE.**

**WHEREAS**, pursuant to Florida Statutes Chapter 125 the Board of County Commissioners of Lee County adopted County Ordinance Number 00-04 on March 28, 2000 (“*County’s Ordinance*”), the terms of which are incorporated herein by reference, which ordinance created the non-ad valorem based municipal service benefit unit known as the University Landscaping Operation and Maintenance Special Improvement Unit (“*University Landscaping MSBU*”); and

**WHEREAS**, the University Landscaping MSBU was established for the purpose of installing and maintaining landscaping on certain portions of Corkscrew Road, Ben Hill Griffin Parkway and Estero Parkway, which landscaping would be over and above the County’s “core level” of landscaping; and

**WHEREAS**, the Village was incorporated as the newest municipality in Lee County on December 31, 2014, with the a Village Council as the governing body; and

**WHEREAS**, as a result of the aforesaid incorporation of the Village, portions of County-owned and maintained Corkscrew Road, Ben Hill Griffin Parkway and Estero Parkway are now located within the boundary of the Village; and

**WHEREAS**, also as a result of the incorporation of the Village, Florida Statutes §125.01(q) requires the termination of that portion of University Landscaping MSBU now located within Estero, *unless* the Village Council consents by ordinance, either annually or for a term of years, to the continuation of the University Landscaping MSBU to the extent so located within the Village; and

45           **WHEREAS**, the County and Village desire to accomplish the continued assessment  
46 for the installation and maintenance of landscaping and vegetation over and above the  
47 County’s “core level” on those portions of Corkscrew Road, Ben Hill Griffin Parkway and  
48 Estero Parkway as may now be located within the incorporated boundary of the Village.  
49

50           **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,  
51 Florida:  
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53           **Section 1.**     **Recitals.**  
54

55           The foregoing recitals are true and correct and incorporated herein by this reference.  
56

57           **Section 2.**     **Authority.**  
58  
59

- 60           1. The Mayor of the Village of Estero is hereby authorized to execute an Interlocal  
61 Agreement between the Village and the County to facilitate the County’s  
62 continuation in assessing the non-ad valorem assessment, collecting the same and  
63 administering the University Landscaping MSBU, a copy of which Interlocal  
64 Agreement is attached hereto and incorporated herein by reference.  
65
- 66           2. The intended result of this Ordinance is the continued operation of the University  
67 Landscaping MSBU for those benefitted properties now located within the  
68 municipal boundary of the Village.  
69
- 70           3. This Ordinance is adopted pursuant to the requirements of Florida Statutes  
71 §125.01(q), to consent to the continuation of the University Landscaping MSBU  
72 to the extent benefitted properties and certain roadways are located within the  
73 Village;  
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75           **Section 3.**     **Term.**  
76

77           This Ordinance is adopted for a term of three years, commencing December 31, 2014,  
78 and running through and including December 31, 2017. Further, this Ordinance may be  
79 extended by a subsequent amendment and affirmative vote of the Village Council.  
80

81           **Section 4.**     **Effective Date.**  
82

83           This Ordinance shall become immediately effective upon its adoption by the Village  
84 Council.  
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86           **PASSED** on first reading this 7<sup>th</sup> day of September, 2016.  
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88

**PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
Florida, this 21<sup>st</sup> day of September, 2016.

Attest:

**VILLAGE OF ESTERO, FLORIDA**

By: \_\_\_\_\_  
Kathy Hall, MMC, Village Clerk

By: \_\_\_\_\_  
Nicholas Batos, Mayor

Reviewed for legal sufficiency:

By: \_\_\_\_\_  
Burt Saunders, Esq., Village Attorney

Vote:	AYE	NAY
Mayor Batos	_____	_____
Vice Mayor Levitan	_____	_____
Councilmember Boesch	_____	_____
Councilmember Brown	_____	_____
Councilmember Errington	_____	_____
Councilmember Ribble	_____	_____
Councilmember Wilson	_____	_____